

# ENTWISTLE & CAPPUCCI

Entwistle & Cappucci LLP  
280 Park Avenue  
26th Floor West  
New York, NY 10017

(212) 894-7200 Main  
(212) 894-7272 Fax  
[www.entwistle-law.com](http://www.entwistle-law.com)

July 14, 2015

## VIA ECF

Honorable Thomas P. Griesa  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: ***In re Tremont Sec. Law, State Law & Ins. Litig., No. 08 Civ. 11117 (TPG);  
Briefing Schedule for Motion of Michael S. Martin for (I) Approval  
of Martin Fund Distribution Account Plan of Allocation, (II) Certification  
of Subclass With Independent Counsel, (III) Disclosure of All Agreements  
Made in Connection With the Plan of Allocation Submitted by Class Counsel,  
and (IV) Limited Post-Judgment Discovery and Evidentiary Hearing***

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Dear Judge Griesa:

Class Counsel write briefly in connection with the scheduling letter filed today by Mr. Fruchter (ECF No. 1100) regarding the recent motion (ECF No. 1093) filed on behalf of his client, Michael S. Martin.

The salient takeaway from Mr. Fruchter's letter is that he concedes he has a month to respond to Class Counsel's motion to approve the consensus FDA POA (a document he has had in hand for the better part of two months already) (ECF No. 1050-2). We respectfully submit Mr. Fruchter's claim that he will suffer an "impossible burden" as a result of the timing of his own motion on behalf of his client, Mr. Martin (who is without standing as a result of the recent tender to him of all Madoff-impacted investments), should be of no moment here -- particularly given the fact, as noted above, that Mr. Fruchter has a month to draft an objection to the motion to approve the consensus FDA POA should he choose to do so.

The fact is the parties have been discussing these issues for the better part of two years. Mr. Martin nevertheless continues to seek redress under the FDA POA for claims that are not part of this lawsuit and, in fact, have never been brought by Mr. Martin in any court. These issues will all be fully discussed in our Opposition papers, but in the meantime, we ask that the Court follow the standard briefing schedule in the Federal Rules, making our Opposition papers due July 30, 2015 and Reply papers due August 10, 2015.

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Respectfully submitted,



Andrew J. Entwistle

Jeffrey M. Haber  
**BERNSTEIN LIEBHARD LLP**

Reed R. Kathrein  
**HAGENS BERMAN SOBOL SHAPIRO  
LLP**